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Chair

Mr. Robert Oliphant

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● (1005)

[*English*]

The Chair (Mr. Robert Oliphant (Don Valley West, Lib.)): Good morning and welcome to the 117th meeting of the Standing Committee on Citizenship and Immigration. Just as a reminder, once the meeting begins the only cameras to be allowed will be those of the Parliament of Canada.

To begin, I want to thank the witnesses and ministers for attending.

I will draw to your attention that the committee voted at its last meeting to undertake a study on the impact of irregular crossing of Canada's southern border. That study is taking place today in three meetings; however, it needs a budget to be approved. I'm going to look for a motion to facilitate these meetings, that we adopt the budget as presented in the amount of $22,600 to undertake the study of irregular crossing at Canada's southern border.

Do I have that motion?

Mr. Nick Whalen (St. John's East, Lib.): I would be happy to move that.

The Chair: Mr. Whalen has moved that.

(Motion agreed to)

The Chair: Thank you.

The second point of business is that I want thank the clerks for a very quick turnaround in establishing these three meetings, and the analysts for preparing us. I just want to draw to your attention that it is Brendan's, birthday today. We thank him for coming in on his birthday.

We're beginning the first hour with Minister Goodale and Minister Blair.

Congratulations, Mr. Blair. We're very pleased to see you here today.

Each of the ministers will have seven minutes to address this topic, followed by questions by committee members. We'll begin with Mr. Goodale.

Hon. Ralph Goodale (Minister of Public Safety and Emergency Preparedness): Thank you very much, Mr. Chair and committee members. Good morning. Let me add my words of welcome and congratulations also to Minister Blair. We're very glad to have him as part of our team at Public Safety.

The border, Mr. Chair, that we share with the United States is the most successful international boundary in the history of the world. It is a source of great prosperity for both our countries, with 400,000 people and $2.5 billion in trade crossing in both directions every day. This immense flow of trade and travel happens at the same time that security, of course, remains our top priority when it comes to border management. From the very beginning of the asylum-seeker issue about 18 months ago, the Government of Canada has repeatedly emphasized two primary objectives: make sure that all Canadian laws are enforced, and make sure that all of Canada's international obligations are honoured. We have met those imperatives, Mr. Chair, without fail and we will continue to do so, ensuring public safety and national security.

[*Translation*]

We can all thank the competent officers responsible for law enforcement and border security for that. They enforce Canada's laws while ensuring we meet our international obligations. Both for them and for our government, security remains the number one priority.

[*English*]

Our law enforcement and border security personnel have been performing their duties in a professional and highly effective manner during what has been a busy and challenging time. Everyone who has seen them in action at the border, at places like Lacolle, have nothing but praise and admiration for their work, including, I am pleased to say, the leader of the official opposition, who paid a visit to the border at Lacolle some weeks ago.

We have repeatedly made clear that entering Canada outside an official port of entry is not a free ticket to stay here. There are rules and procedures that must be followed—notably, the Immigration and Refugee Protection Act and the Criminal Code. The women and men of the Canada Border Services Agency, the RCMP, and the Department of Immigration, Refugees and Citizenship apply those rules and procedures assiduously. Those who cross the border between ports of entry are immediately arrested. They are carefully interviewed, searched, fingerprinted, and photographed. Their identity is verified both biographically and biometrically. Their records are checked against Canadian and international databases for any immigration, security, or criminal concerns. If they present any risk to the safety and security of Canadians, they can be detained as necessary.

Asylum seekers who are found eligible to pursue an asylum claim in Canada are issued a conditional removal order pending the resolution of their claim by the Immigration and Refugee Board. That is a question of fact that they must prove. If the IRB finds that an individual is in genuine need of Canada's protection, they receive that protection in keeping with our values and our long-standing international commitments. If the claim is unsuccessful, the claimant becomes inadmissible to Canada, and the removal process proceeds as quickly as possible in accordance with the due process of law.

That is the process, because since Canada signed on to the UN refugee convention nearly half a century ago, it has been one of our country's bedrock principles that we do give a fair hearing to people on our soil who ask for our protection. That principle is embodied in section 133 of the Immigration and Refugee Protection Act.

At the same time, our system must be well managed. That's why earlier this year the government operations centre within my department led Canada's contingency planning for a possible surge in irregular migration this summer. In fact, the number of asylum seekers crossing between ports of entry went down in May, and it went down again in June, now to the lowest monthly total so far in 2018. But thanks to our preparations as well as continued collaboration with provincial and municipal partners, we have a national strategic response plan that is now in effect. This plan is based on lessons learned and best practices from our experiences collectively last year. It enables us to use all of the resources—technology, intelligence, and partnerships—available to address fluctuations in irregular migration. It is flexible and nimble, and allows for quick responses when necessary, including increases and decreases in capacity based on need.

These measures are bolstered by the additional funding provided in budget 2018. Within the public safety portfolio, that includes $49 million for CBSA, $10 million for the RCMP, and $2 million for CSIS. On top of that there are, of course, regular communications with U.S. authorities. I raised this matter of irregular migration, for example, at the G7 security ministers meeting in Toronto in April, where American officials undertook to strengthen efforts on their part to prevent the abuse of U.S. travel documents. That have in fact done that.

All of this taken together is ensuring effective, responsible management of the situation at our border.

I'll conclude with this. Irregular migration is an issue that countries around the world are dealing with. We should not be surprised that it's affecting Canada too, and we should not expect there to be easy, quick solutions to what is a complex global problem. But Canadians can be assured that robust security measures are in place, that Canadian law is being rigorously applied, and that we are living up to our international obligations and to our duties and values as Canadians.

Mr. Chair, let me now invite my colleague Minister Blair to go ahead.

● (1010)

The Chair: Thank you very much, Minister.

Minister Blair, please go ahead.

Hon. Bill Blair (Minister of Border Security and Organized Crime Reduction): Thank you very much, Mr. Chair.

Good morning, committee members. I am very happy to join you here this morning in my new role as the Minister of Border Security and Organized Crime Reduction, and also to be joined by senior officials in the relevant departments. As many of you are aware, I am very new to the job, but the issues we are discussing are not unknown to me, having served in a large metropolitan community and having to deal with these issues.

The challenges posed by irregular arrivals in Canada straddle a number of federal organizations, represented at the table today, including the CBSA, the RCMP, the Government Operations Centre and, of course, the ministries of Public Safety Canada and Immigration, Refugees and Citizenship Canada. I hope that in my new role I will have the opportunity to support my colleagues, Minister Goodale and Minister Hussen, in making sure that we connect all the dots among all levels of government and stakeholders —provincial, territorial, municipal, and international—to ensure that all of our obligations are fulfilled. I also hope to make sure that we are addressing irregular migration as efficiently and effectively as possible.

Yesterday, I had the opportunity to visit Lacolle. It was very clear to me that our front-line law enforcement and border services personnel continue to perform their duties in a professional and highly effective manner. They are managing that difficult situation exceptionally well.

Ensuring the security of our border and the integrity of our rules-based immigration and refugee protection system continues to be a top priority for the Government of Canada. We will continue to make the point loudly and clearly, as Minister Goodale has already stated, that there is no free ticket to Canada. There are rules and procedures that must be followed.

However, while we remain committed to enforcing every Canadian law, we are also committed to honouring all of Canada's international obligations. As this committee well knows, one of those obligations is to provide refuge for those who are in genuine need of our protection. People seeking asylum in Canada are treated with compassion, and they are afforded due process under the law. While the number of irregular migrants has dropped significantly in recent months, thanks to increased government efforts I believe we are well prepared for any further influx that may arise in the future.

We have a national strategic response plan that is now in effect, based on lessons that have been learned and best practices that have arisen from our collective experiences since 2017. We have also made significant investments of $173.2 million, through budget 2018, to support security operations at the Canada–U.S. border and the processing of asylum claimants. This funding will be used to provide short-term processing and security screening supports at our border. It will also help support decision-making capacity for the Immigration and Refugee Board, which in turn would lead to more timely removals of those who are found to be without a valid claim.

As the situation at the border evolves, we will continue to work closely with our provincial counterparts and municipalities to manage any pressures and concerns. This includes looking at all available options in terms of interim and long-term lodging, as both the Government of Canada and the provinces have a role to play. To that end, I've had the opportunity to meet with the responsible minister in the Province of Ontario, and we are continuing our outreach and close co-operation with provinces and municipalities on this issue. The federal government has been working closely in the past with Ontario and Quebec on secondary migration issues, such as moving asylum seekers outside of large metropolitan areas like Toronto and Montreal.

We also remain closely engaged with our counterparts in the U.S., including U.S. Customs and Border Protection officials. In addition, the Government of Canada continues to reach out to diaspora groups that are headed toward the border, largely based on misinformation. These outreach efforts have been successful. For example, last year they reduced the number of Haitian asylum seekers coming to Canada. We are now working with the U.S. and Nigerian governments to make sure that Canadian rules, laws, and border procedures are well understood by any potential asylum seekers from that country.

Mr. Chair, the government has a plan to manage irregular migration flows. We will work closely with our domestic and international partners to ensure that the plan is implemented.

I look forward to the opportunity to answer your questions. Thank you very much.

● (1015)

The Chair: Thank you to both ministers.

We now enter our round of seven-minute questions. Mr. Fragiskatos, welcome to the committee, and to your seven minutes.

Mr. Peter Fragiskatos (London North Centre, Lib.): Thank you, Chair.

Thank you to the ministers and the officials for being here. Minister Blair, congratulations on your appointment.

My first question will go to Minister Goodale. Throughout your presentation, and indeed in the comments that followed from Minister Blair, the word "law" was used, and I think that's really important. For me, the actions taken by the government on this question are not so much a choice as they are a response to the responsibilities that the law confers on us. Minister, can you speak about the 1951 UN convention on refugees and what it means for Canada, since we are a signatory? I think this is an obligation; it obliges us to respond.

Hon. Ralph Goodale: Thank you. The United Nations convention dealing with refugees was in fact adopted by the UN a very long time ago, in 1951. Canada signed on to that convention in the 1960s and then embodied the principles that were in the international obligation into our domestic law. I believe that legislation was enacted in the mid-1970s, and it is reflected right through all of the subsequent iterations of the act right up until today. The current legislation is the Immigration and Refugee Protection Act. There are many sections that are relevant, but the key one is section 133.

That section very clearly says that when a person is in Canada, regardless of how they got here, and they make a claim for asylum, there is an obligation on the part of Canada to give them a fair hearing to determine whether or not they are in need of Canada's protection. If they are found not to need Canada's protection—in other words, it's not a legitimate claim for asylum and this person is not a refugee—then they become inadmissible to Canada and need to be removed from Canada. The law provides for that.

If they do sustain their claim and convince the Immigration and Refugee Board through due process of law that their claim is legitimate, then under the law, by virtue of section 133, how they entered the country becomes irrelevant and non-actionable. That's expressly in the law, in section 133 of the Immigration and Refugee Protection Act. That is the law as it stands now and as it has stood all through the period since the mid-1970s.

● (1020)

Mr. Peter Fragiskatos: Thank you very much. Does the charter carry relevance here? And that goes for any other things.

Hon. Ralph Goodale: Yes, the charter embodies the principles of due process, fairness, and natural justice, and of ensuring that people are treated in a humane and compassionate way.

Mr. Peter Fragiskatos: Thank you.

Minister Blair, I know that you were in Lacolle yesterday. The opposition has unfortunately been painting a picture of chaos at the border. What did you see yesterday at Lacolle? Was it a chaotic situation? What did you find?

Hon. Bill Blair: What I observed was the exact opposite of chaos. It was exceptionally orderly and well planned. I've been involved in law enforcement activities for most of my life. I was exceptionally impressed by, first of all, the great work of the RCMP at the initial contact with the individual. The processing and paperwork were exceptionally well managed, as was the forethought that has gone into ensuring that they are prepared to respond to a surge, a change in the volume, which has happened occasionally in the past. The planning was, in my opinion, exceptional. In the past I've heard people express concerns about the coordination between various federal organizations and departments, and what I witnessed yesterday at Lacolle was an absolutely seamless process of collaboration and co-operation among the RCMP, CBSA, and IRCC. It was really a very impressive operation. I think all Canadians would be reassured by better understanding what exactly is taking place there and how well they're being served by the organizations responsible.

Mr. Peter Fragiskatos: Thank you very much. I think I want to continue down this line of questioning in order to really examine this very false narrative of a chaotic situation that's out of control.

To the officials, do you have numbers for how many asylum claimants Canada has received in recent years? For example, it's my understanding that in 2001, around 50,000 or 45,000 entered Canada. That matches well with 2017 at 50,000. Are those numbers accurate?

The Chair: I will just give you a chance to respond, Mr. MacDonald or Mr. MacKinnon.

Mr. Peter Fragiskatos: Sure.

Mr. Mike MacDonald (Associate Assistant Deputy Minister, Strategic and Program Policy, Department of Citizenship and Immigration): I can respond in the sense that if you look at a 20-year period, we have various ebbs and flows through those 20 years. You have a high of 44,000 and a few extra in 2001. You also have a low in 2013 of 10,400. You have last year's number of more than 50,000. You can see the numbers overall, and the unpredictability, I think, is the point over the 20-year period.

Mr. Peter Fragiskatos: That lines up well with a very recent study published by the School of Public Policy at the University of Calgary. As a result of the fact that Canada, in 2001, had 45,000 people enter the country as asylum claimants, "It shows the country has handled large influxes of asylum-seekers in the past...". The article concludes with a quote from Professor Ron Kneebone, an economics professor at the School of Public Policy at the University of Calgary, that "Most countries are civilized, they say, 'If you're subject to persecution, we'll deal with you'".

I think the numbers don't lie here. What they make evident is that if we have handled large influxes of asylum seekers, as we have done in the past, then we certainly can do so, as we did in 2017 and have done in 2018. So I think that—

● (1025)

The Chair: I'm afraid I need to cut you off there.

Mr. Peter Fragiskatos: —uses my seven minutes.

The Chair: Thanks very much, Mr. Fragiskatos.

Mr. Rempel.

Hon. Michelle Rempel (Calgary Nose Hill, CPC): Thank you, Mr. Chair.

Minister Goodale, are you familiar with article 31 of the convention on refugees?

Hon. Ralph Goodale: If I had it in front of me, I'd look it up to see exactly what that article says.

Hon. Michelle Rempel: Well, I can help you.

Hon. Ralph Goodale: Sure.

Hon. Michelle Rempel: When the convention was negotiated, France actually insisted on clarity in that article, because it limits its application to persons coming directly from a territory where their life or freedom is threatened in the sense of article 1.

My colleague mentioned 2001 as being a year when a large number of people entered the country. Are you aware of the year that the safe third country agreement was executed?

Hon. Ralph Goodale: Oh, it was almost 20 to 25 years ago.

Hon. Michelle Rempel: It was in 2002 and it was directly in response to that, so part of the reason why Canada's asylum system was able to recover from this was that a former Liberal government agreed to apply that interpretation of article 31 and execute the safe third country agreement.

Hon. Ralph Goodale: Yes.

Hon. Michelle Rempel: My question is for Minister Blair.

Subsection 159.4(1) of the immigration and refugee protection regulations states the following in regard to IRPA:

> Paragraph 101(1)(e) of the Act does not apply to a claimant who seeks to enter Canada at
>
> (a) a location that is not a port of entry;

Will you direct your officials to examine the possibility of gazetting a change to remove this section from the immigration and refugee protection regulations, thereby allowing the safe third country agreement to be enforced along the entire Canada-U.S. border?

Hon. Bill Blair: In response to that, it is an issue, quite frankly, that I've had an opportunity to discuss very briefly with officials. They explained the impact of doing that, which would be very problematic in many ways.

The nature of the border in certain parts of the country, particularly across that area of the Eastern Townships and Quebec south of Montreal—

Hon. Michelle Rempel: Thank you, Minister Blair.

Just in the interest of time, I'll take that as a no.

Hon. Bill Blair: Well, actually, you can take it any way you want, but the answer to that question is that there has been discussion, and the impact of doing that would be more problematic than not.

Hon. Michelle Rempel: You just said that you would not direct your officials to look at that as a legislative option. Thank you.

Can you, Minister Blair, please tell me how many people you project will illegally enter Canada from the United States and subsequently claim asylum in our country for the remainder of this year and in 2019?

Hon. Bill Blair: I would refer to the officials. There are estimates that are available, based on what we have seen. We have seen a reduction in the last few months, and I can tell you that they are prepared for any contingency that may present itself, but I am not in possession of an actual projection.

Hon. Michelle Rempel: The Parliamentary Budget Officer has requested that you provide him by Thursday with projected numbers for the next five years of people in this category. Do you plan to provide him with this data?

Hon. Bill Blair: I am advised by the official, yes.

Hon. Michelle Rempel: And will you make that publicly available to this committee at the same time?

Hon. Bill Blair: Yes.

Hon. Michelle Rempel: Thank you.

Minister Blair, besides your ministerial office staff, who actually reports to you?

Hon. Bill Blair: I have not yet received my mandate letter from the Prime Minister, so right now I am working in co-operation with Minister Goodale and Minister Hussen on this issue. There are other issues related to the job that I have been given, and I am working, again, across ministries.

Hon. Michelle Rempel: Just to clarify this, will Minister Goodale report to you?

Hon. Bill Blair: Absolutely not. No.

Hon. Michelle Rempel: Will the CBSA report to you?

Hon. Bill Blair: No.

Hon. Michelle Rempel: Will the RCMP report to you?

Hon. Bill Blair: And again, I am not in receipt of my mandate letter and until I am in receipt of it and receive that direction from the Prime Minister, I wouldn't want to speculate for this committee.

Hon. Michelle Rempel: Wow. Great.

Minister Blair, clearly the Prime Minister has put you in this position for a reason. One could surmise that it's because your colleagues have perhaps not gotten the job done.

What would you have done differently from Ministers Goodale and Hussen to reduce the number of people illegally entering Canada from the United States, and subsequently claiming asylum?

Hon. Bill Blair: Respectfully, I disagree with the suggestion that the job has not been done. My observation is that they have been working very diligently and effectively on this issue.

I believe that my responsibilities, and the reason I've been asked to provide assistance, is that this is a complex issue that affects multiple ministries and departments, and—

Hon. Michelle Rempel: So I'll take that as you're not sure...?

Hon. Bill Blair: —because of my background in public safety, I believe the Prime Minister has asked me to—

Hon. Michelle Rempel: Ask nothing?

Hon. Bill Blair: —assist in....

I'm sorry?

Hon. Michelle Rempel: I'll move on.

● (1030)

Hon. Bill Blair: I thought you wanted me to answer the question, Ms. Rempel.

Hon. Michelle Rempel: You tried.

Hon. Bill Blair: Okay.

Hon. Michelle Rempel: Fair enough. Scout's effort.

One of my colleagues, and you, characterized the situation as "orderly" at Lacolle, but there are two sides to this situation. One is processing somebody as they cross the border, and then the next is what happens afterwards. The "afterwards" is many years right now.

Would you characterize 800 people facing eviction in Toronto colleges' dormitories, being faced with being put on buses to parts unknown, as orderly?

Hon. Bill Blair: I'm aware that plans are being put in place to deal with that. I've had the opportunity to speak with officials. I'm aware of excellent collaboration between our senior officials—

Hon. Michelle Rempel: Where are those 800 people going to go?

Hon. Bill Blair: —in Public Safety and with municipal officials in the City of Toronto.

Hon. Michelle Rempel: Where are those 800 people going to go?

Hon. Bill Blair: I'm aware that plans have already been made to move those individuals into quite appropriate housing in hotels around the GTA.

Hon. Michelle Rempel: For how long will they be staying in hotels?

Hon. Bill Blair: That really depends on their integration into the community and the processes that are currently under way—

Hon. Michelle Rempel: How long do you anticipate that they will stay in hotels?

Hon. Bill Blair: Again, we see a transition of those individuals out. I think the situation—

Hon. Michelle Rempel: How much will it cost—

Hon. Bill Blair: —is being very effectively managed.

Hon. Michelle Rempel: —to house those people in hotels?

Hon. Bill Blair: I'd refer to senior officials—

Hon. Michelle Rempel: Do you think it's reasonable—

Hon. Bill Blair: —on the actual costs of arranging that.

Hon. Michelle Rempel: —to house 800 people in hotels?

Hon. Bill Blair: I'm sorry? I missed your question.

Hon. Michelle Rempel: Do you think it's reasonable to house in hotels 800 people who have illegally crossed the border into Canada?

Hon. Bill Blair: I think it's reasonable to make sure that people have adequate shelter as they work through the due process that is required in their review—

Hon. Michelle Rempel: Would you characterize a hotel as—

The Chair: Ms. Rempel, out of respect for the interpreters, it's very difficult for them to interpret in our two official languages if there's speaking over.

Hon. Michelle Rempel: Thank you, Mr. Chair.

Minister Blair, would you characterize housing someone in a hotel for an indeterminate period as adequate housing?

Hon. Bill Blair: They are undergoing due process in the review of their claim for asylum. In that period, I think this is an appropriate way to ensure that they are adequately housed and in a safe and healthful environment. It is a contingency while they work through those processes—

Hon. Michelle Rempel: I'll ask your officials, then—

Hon. Bill Blair: —and in my opinion, it is appropriate.

Hon. Michelle Rempel: I'll ask your officials, then, to table with the committee the total projected costs for housing people who have illegally crossed the border into Canada from the United States, and subsequently claimed asylum, for the next five years.

Yes?

Hon. Bill Blair: Yes. Noted.

Hon. Michelle Rempel: Thank you.

The Chair: Thank you.

Ms. Rempel for seven...or Ms. Kwan for seven minutes.

Ms. Jenny Kwan (Vancouver East, NDP): That's a bit of a confusion.

Voices: Oh, oh!

Ms. Jenny Kwan: Thanks very much, Mr. Chair.

Congratulations, Minister Blair, and welcome to the committee.

Welcome, Minister Goodale and your officials.

The safe third country agreement came into force in 2004. As we heard, in 2001 approximately 45,000 asylum seekers came to Canada. I think that was the peak, actually. In 2000 that was the second highest, when our numbers were at approximately 38,000. The third-highest peak was in 2008, at around 37,000.

By way of comparison, could we look at before the safe third country agreement came into force and effect? Could you and perhaps your officials give us the background on how that was managed and how that compares with the situation we are faced with today, when the safe third country agreement is in place?

Hon. Ralph Goodale: In terms of the historical retrospective on management techniques prior to 2001 or 2002, I would have to defer to officials in the department—Mr. MacKinnon or perhaps Mr. MacDonald—to remind us of the history of that period of time.

Ms. Jenny Kwan: Thank you.

What I'm particularly interested in is this. Did we see asylum seekers coming through one or two particular border entry points, or did they actually come over at various different border entry points throughout the country?

Mr. Paul MacKinnon (Assistant Deputy Minister, Strategic and Program Policy, Department of Citizenship and Immigration): Mr. Chair, for that specific question we would have to look back in the historical record to see where people arrived.

What I can say, which perhaps is somewhat helpful, is that the major change is that before the agreement, obviously, people were not sent back to the U.S. through any kind of formal agreement. As we look at the last four or five years, we have the numbers of people who have been returned to the U.S. because of the STCA. If you look at 2013, for example, it was 436 people, and 458 in 2014. It bumped up a bit to 733 in 2016. In 2017 we had just over 1,900 individuals returned due to the STCA provisions.

In terms of the specific question about historical landings, we'd be happy to work with CBSA to find that information, Mr. Chair.

● (1035)

Ms. Jenny Kwan: I would be particularly interested in that because I do think that the safe third country agreement has created challenges for us. I take the strong position that we should suspend that agreement, because, frankly, the United States, in my view, is not a safe country for asylum seekers; hence, there is a huge influx coming through, especially with the latest decision from the Trump administration, which has made a declaration that those who are seeking asylum as a result of gang violence will no longer be recognized in the United States. Surely under those conditions we cannot say that the United States is a safe country for asylum seekers.

In the past it was the case that without the safe third country agreement, people were crossing over and we had peak numbers similar to what we're faced with today. That really depends on the condition that's out there in the international community. Now some people say that we have a crisis, but really this needs management and we need a plan. I would say that we have not had a plan from the government. We've had a reactionary approach by the government, but not a plan. With the anticipation that these numbers will continue at this level, or perhaps even increase, would the government entertain the idea of addressing this issue by adjusting the levels plan numbers?

Under the protected persons category, where now in 2018 the number projected is 16,000, would both ministers support the government's looking at adjusting that number, to accommodate the influx, by doubling it?

Hon. Ralph Goodale: Mr. Chair, in response to that, I would really have to defer to Minister Hussen. It is very specifically under his jurisdiction as Minister of Immigration to set the numbers and the appropriate categories from year to year. I note that he will be before the committee this afternoon and I think the most appropriate thing is to ask the minister.

Ms. Jenny Kwan: I will certainly be asking the minister that question.

I wonder whether or not as a colleague of his who manages the border issue at CBSA, you, or now Mr. Blair, would support the government's doing that. For the government to come forward with a plan, you have to acknowledge the reality. To acknowledge the reality, you have to know that there are these numbers that are fluctuating, and to properly address it you need to incorporate that into your levels plan. By incorporating that into the levels plan, you can then prepare by budgeting both with the CBSA and with RCMP, as well as with Immigration and the measures that need to be taken from that point of view.

Hon. Ralph Goodale: Again, those are issues that are very squarely within Minister Hussen's responsibility.

Ms. Jenny Kwan: I'm going to ask this question too, because the other problem that is challenging for your ministry is the processing of these cases. Once they have come through and you have gone through all the screening, then they need to be processed accordingly to determine whether or not they have a valid refugee claim, which has to be done through the IRB. Right now the IRB is backlogged. It is not resourced properly and has not been for a long time. Even though in 2018 there was some injection of dollars into its budget, it is still deficient. Is that something you would argue for at the cabinet table, to say that additional dollars and resources need to be put forward to the IRB so it can process the claims expeditiously and so that it doesn't create the problems you're faced with?

Hon. Ralph Goodale: Ms. Kwan, obviously I don't speculate about what any minister may or may not say at the cabinet table, but I can tell you that issues in relation to resourcing have clearly been discussed, because budget 2018 provided a specific allocation for all of the agencies involved—CBSA, RCMP, CSIS, as well as the IRB—and there was money explicitly allocated to provide incremental resources to the IRB.

Ms. Jenny Kwan: Yes.

The Chair: I'm afraid I need to—

Hon. Ralph Goodale: I think what we've demonstrated is that we are watching those needs very carefully and that they are taken into account year by year in the budgeting process.

The Chair: Thank you, Minister.

We need to move to Ms. Damoff now.

Welcome to the committee.

Ms. Pam Damoff (Oakville North—Burlington, Lib.): Thank you, Chair.

Congratulations, Minister Blair, and welcome, Minister Goodale. It's great to have you both here.

You've talked about how the government has a plan and how our plan is working. One of the things my Conservative colleagues have called for is to make the entire Canada-U.S. border an official point of entry. Is this feasible? Would it enhance public safety? Is it a good idea?

● (1040)

Hon. Ralph Goodale: Ms. Damoff, the concept, as I understand it, is that you would have every inch of the Canadian border declared to be a port of entry. That means a port of entry that is 9,000 kilometres long. There are several problems with that.

First of all, if you are declaring it a port of entry, it would need to be populated with the necessary border officers to administer all of the responsibilities of the CBSA across a 9,000-kilometre stretch of space, which would involve the hiring of literally thousands of border officers to provide any credible administration of a port of entry that ran for 9,000 kilometres. That's a practical problem.

Second, you would need to have American counterparts on the other side of the border for that full expanse. If, for example, your purpose is to turn back people at the border, you would need someone to turn them back to. If the Americans don't follow the same practice, then you have a one-way port of entry, which obviously doesn't solve the problem.

The third issue is that if you're going to spread the venue like that, you are, quite frankly, spreading the risk. The issues being dealt with at Roxham Road are indeed challenging, and all credit to CBSA, RCMP, IRCC, and the others who are called upon to handle that physical situation. They are managing the situation in a way that is safe and secure for Canadians as well as for the people they are dealing with. If you have an expanse of 9,000 kilometres, you are going to have an enormous enforcement problem that is a practical impossibility. In fact, you would make the border less safe, not more safe, by the concept that has been proposed.

Ms. Pam Damoff: Thank you, Minister.

I have a chart that one of my colleagues put together showing the asylum claimants from the year 2000. We talked about 2001. We see that when there is turmoil in the world, when people are feeling that the world is in crisis, they are looking to Canada as a place to come to. We saw it in 2001, and we also saw it when the world financial crisis happened between 2007 and 2009. We are seeing it again. There have been these ebbs and flows for many years, in terms of the number of asylum claimants coming here. My question is a simple one: Is there a crisis in Canada right now with asylum claimants?

Hon. Ralph Goodale: There is a challenge, but it is not a crisis. In fact, the government departments that have been charged with responsibility for dealing with this—from the senior management in those departments and the ministerial level right down to the officers in the field who carry the practical day-to-day responsibility for administering the law—have done a very strong job in making sure that every Canadian law is fully enforced, and it is, and that every Canadian obligation in the international arena under the United Nations is fully honoured, and that is being done. We have accomplished those imperatives in each and every case, and we have received a very strong commendation for how we are handling this from the office of the UN High Commissioner for Refugees, which has been very clear and strong in its praise for the CBSA officers, the RCMP officers, and the employees of IRCC who have dealt with the human reality of the flow across the border and have done so in a way that is safe and secure, and at the same time humane.

● (1045)

Ms. Pam Damoff: We hear the term "illegal", that these asylum seekers are illegal. You talked about our obligations under international law. Are these asylum seekers illegal when they are coming into Canada and when we are accepting them into our asylum system?

Hon. Ralph Goodale: The law says that if you cross into Canada, you are to cross at a port of entry. If a person is trying to cross into the country beyond a port of entry, outside of a port of entry, they are not following the law. But in section 133 of the Immigration and Refugee Protection Act, it is very clear that however a person crosses the border, once they are on Canadian soil, due process has to be applied and you have to hear whether they have a legitimate claim or not. If they do not have a legitimate claim, then they are to be removed from the country. If they do have a legitimate claim—in other words, they convince the IRB or the Federal Court that they are a refugee in need of Canada's protection—then the law clearly, in section 133, says that the manner by which they entered the country is no longer relevant or actionable.

Ms. Pam Damoff: Is our plan working, Minister, in dealing with the asylum claimants who are coming across the border? Is the government's plan working?

Hon. Ralph Goodale: In my judgment it is, Ms. Damoff. It's working in the sense that every law is being enforced and all of our international obligations are being respected. The treatment of people at the border is in humane and compassionate terms. The level of collaboration with provinces and municipalities has been very strong in terms of how people are managed and dealt with after they have, in fact, crossed the border, and cleared those stages of security clearance and in terms of the other investigations that are done.

The Chair: Thank you, Minister.

Mr. Poilievre.

Hon. Pierre Poilievre (Carleton, CPC): Thank you.

Minister Goodale, we have literally thousands of kilometres of highway that are enforced by the RCMP, which reports to you. Do we have RCMP eyes on every hundred metres of that highway in order to enforce those laws?

Hon. Ralph Goodale: Not all the time.

Hon. Pierre Poilievre: Thank you. That does answer my question.

You've mentioned that we cannot enforce the safe third party agreement across the entire Canadian border because we cannot have eyes on the entire Canadian border at all times. In other words, you've said that because we could not afford—and you're right—to put officials on every square inch of the Canadian border, we could not possibly enforce the safe third country agreement across that space.

You rightly acknowledged, though, that the RCMP is able to enforce traffic laws and traffic rules, right across the thousands and thousands of kilometres of highway that we already have in existence. What would stop the government, then, from simply applying the safe third party agreement to the entire border for the purposes of illegal border crossings?

Hon. Ralph Goodale: Mr. Poilievre, I mentioned at least three difficulties with that particular proposal.

One is the requirement for officers, which you in your question have acknowledged, and, I gather, agreed with, that makes that type of border enforcement rather impractical.

The second part of it is that if you have a border port of entry that is 9,000 kilometres long, you need to have, correspondingly, cooperation from the United States on the other side of the border —which they are, I think it's fair to say, not likely to do. You have no counterpart.

Hon. Pierre Poilievre: Have you asked?

Hon. Ralph Goodale: It is an international boundary.

Hon. Pierre Poilievre: Have you asked?

Hon. Ralph Goodale: I have not asked that specific question.

Hon. Pierre Poilievre: Wait a second here. You have not—

Hon. Ralph Goodale: Mr. Poilievre, I would be delighted to—

Hon. Pierre Poilievre: Excuse me, you just answered my question.

Hon. Ralph Goodale: —and I'll be very quick to report their answer to you.

Hon. Pierre Poilievre: You just answered my question. You know, you've continually claimed that you can't enforce the safe third country agreement because we can't have eyes on every square inch of the border, but you admit that we enforce rules all the time in places where we don't have law enforcement constantly observing. Secondarily, you have said that we cannot enforce the safe third country agreement because we do not have agreement from the United States of America. Now you admit that you haven't even sought such agreement, which really does raise the question of whether or not you're looking for a solution—

● (1050)

Hon. Ralph Goodale: Yes, indeed, Mr. Poilievre—

Hon. Pierre Poilievre: —or if you're perfectly comfortable with the situation we have right now, where thousands of people are crossing illegally into this country.

My next question is this. Do the Americans automatically turn away every single...? Excuse me, do the Americans apply the safe third country agreement to anybody who enters outside a recognized point of entry? Yes or no?

Hon. Ralph Goodale: That would be a question for IRCC to respond to.

Would you like to repeat it for Mr. MacKinnon?

Hon. Pierre Poilievre: Do the American apply the safe third country agreement to anybody crossing from Canada into the United States of America between official, recognized ports of entry?

Mr. Paul MacKinnon: No. The U.S. applies the safe third country agreement in exactly the reciprocal fashion that we apply it for south-north traffic.

Hon. Pierre Poilievre: The regulations that are published on the U.S. immigration and citizenship website suggest that it will deem border crossers who have crossed between different ports of entry as having arrived at those ports of entry for the purposes of the safe third country agreement in certain circumstances.

Given that this is the case, why have we not asked the Americans if we could do the same under the agreement we have with them?

Hon. Ralph Goodale: Mr. Ossowski wants to add an observation.

Mr. John Ossowski (President, Canada Border Services Agency): I would simply add that if someone were crossing from Canada into the United States in-between a port of entry and claiming asylum, then the safe third country agreement would apply. But they have to claim asylum. That's the trigger for that agreement to come into play.

Hon. Pierre Poilievre: So even if they're crossing between—

Mr. John Ossowski: Yes. The safe third agreement is about asylum.

Hon. Pierre Poilievre: Right.

Mr. John Ossowski: They're seeking protection. So if someone were crossing—

The Chair: Mr. Poilievre, you're at the end of your time, but I'm giving you 30 seconds more because the Liberals had 30 seconds more.

You have 30 seconds.

Hon. Pierre Poilievre: As I understand it, you've said that if someone crosses between ports of entry into the United States from Canada and claims asylum—

Mr. John Ossowski: They would apply the safe third.

Hon. Pierre Poilievre: But you're saying that we can't do the same.

Mr. John Ossowski: We do the same. When someone crosses into Canada, they claim asylum—

Hon. Pierre Poilievre: At a point of entry, but not between points of entry.

Mr. John Ossowski: Yes, they do. That's exactly what we do.

Hon. Michelle Rempel: Is that an official point of entry?

Mr. John Ossowski: There are two—

Hon. Pierre Poilievre: I'm sorry, I think you're missing the question.

Mr. John Ossowski: When a person claims at an official port of entry, they have to meet one of the exceptions. They have to be an unaccompanied minor, they have to have an anchor relative in Canada; there are four altogether. When they cross in-between a port of entry, they're also claiming asylum, but because of the way the agreement is written...there's a loophole, if you will, in the agreement, because when it was originally negotiated—

Hon. Pierre Poilievre: We're aware of all that.

Mr. John Ossowski: —the Americans were concerned that they didn't have eyes on this individual, and they weren't sure where they truly came from. So that is what is—

The Chair: I need to end it there.

Ms. Mendès, you have about five and a half to six minutes.

Mrs. Alexandra Mendès (Brossard—Saint-Lambert, Lib.): Thank you very much, Mr. Chair, and welcome to all.

Congratulations, Minister Blair.

I am more confused now by your answer than I was previously, but I won't go there.

I'll go back to the question of the 9,000-kilometre border. I speed all the time on the highway—all the time, I swear to you—and I haven't gotten a single ticket. I don't get tickets. So, I'm sorry, I could claim my asylum anywhere and not get caught. It's just so unbelievably ridiculous to claim that we could monitor 9,000 kilometres of a border. It's beyond ridiculous. I'm sorry; I've had my rant.

Going back to that crossing into the United States and reciprocity or not, could you be a little more precise? My understanding of the safe third country agreement is that if you cross the border in-between official ports of entry, you are not returned back to the third country. But if you cross at a port of entry, an official one, then you go back or are sent back.

You're saying that's not exactly the case for the Americans?

● (1055)

Mr. John Ossowski: Just to be clear, when you show up at a regular port of entry—

Mrs. Alexandra Mendès: Such as Lacolle, which is the one closest to me.

Mr. John Ossowski: —or a bridge, say, in southern Ontario, and you seek asylum, one of four conditions must be met as an exception to the safe third country agreement—i.e., you have an anchor relative in Canada, or you're an unaccompanied minor.... That is very clear what happens.

In-between ports of entry, there is an exception, if you will, or a "loophole", for lack of a better word, in the agreement where during the negotiations the Americans said that we don't know for sure where these people claimed, because they could claim inland or they could claim in-between port of entry. They wanted to know where they originally came from, and that is what is currently being exploited by these people crossing in-between ports of entry.

Mrs. Alexandra Mendès: Okay, but what my colleagues on the other side were claiming was that the Americans are not doing it the same way we are.

Mr. John Ossowski: If somebody went into the United States and claimed asylum—

Mrs. Alexandra Mendès: —from Canada to the United States—

Mr. John Ossowski: —and it was part of the safe third country agreement the way it's currently written, they would apply it, but they would have to be seeking protection. They would have to be claiming asylum.

Mrs. Alexandra Mendès: Well, yes, but the point that Mr. Poilievre was making is that the Americans will send them back to Canada because they consider that even if they cross in-between legal or formal ports of entry, the agreement would still apply. Is that what you're saying? If I understood correctly what Mr. Poilievre was saying, the Americans are applying it even in-between official ports of entry.

Is that what you asked, Mr. Poilievre?

Hon. Pierre Poilievre: I'm sorry, I don't know what you're asking me.

Mrs. Alexandra Mendès: I'm trying to clarify that, because apparently that's what you are claiming, that the Americans do not apply the safe third country agreement the same way we do.

Mr. John Ossowski: The agreement is fully reciprocal the way I understand it, and I'd be happy to go back and find some data to see what happens to people who cross from Canada into the United States, if that would help the committee during their study.

Mrs. Alexandra Mendès: Now, going to a more positive one, could both ministers enlarge a little more the national strategic response plan for the asylum seekers "challenge" we are facing, as you put it, Minister? That is definitely a result of what's been happening in the United States. We know that is why we've been having this surge, if you will, of people crossing our borders. We do know there is a national strategic plan. Could you just elaborate a bit on what is being put in place and look at the provinces, the municipalities, and the stakeholders that are all involved in this issue if you can? Thank you.

Hon. Ralph Goodale: I'll turn to Bill to respond to part of that, but let me just deal with the question here about when this issue started. If you actually trace back the migration patterns of when people started to move toward the Canadian border, it in fact predates the last election in the United States. The beginnings of that movement were before the government changed in the U.S.

Therefore, I don't think you can say entirely that what is happening is a phenomenon triggered by political developments in the U.S., because the origins of this began before that.

Our agencies, all of them at this table, coordinated by the government operations centre, learned many best practices and many practical lessons from the experience of last year and applied those lessons to our planning process for this year and for future years, as necessary. We've engaged multiple departments of the Government of Canada, together with provinces and municipalities, as well as NGOs. A number of NGOs are engaged in this, like the Red Cross, for example, to make sure that we have the provisions in place and the flexibilities to deal with the eventualities as they present themselves. We may need to increase; we may need to decrease.

As we saw earlier this year, there was a trend upward in the numbers until about Easter. There was a spike in the numbers around Easter, and ever since then the numbers have actually been going down to the point right now that they're at the lowest level they've been all year.

The Chair: I need to end it there. I'm sorry.

We started at 10:04 and so we have about one or two minutes to split the difference between the two panels.

Would the Conservatives like another one or two minutes?

● (1100)

Hon. Michelle Rempel: Minister Blair, what is the total cost of providing language training services for people coming into Canada via this cohort that we're discussing today?

Hon. Bill Blair: I don't have that information. I'll turn to officials.

Mr. Mike MacDonald: There are no language services being provided at the federal level among the settlement funding for those who are not yet permanent residents. Any type of social services of this nature would be provincial or municipal, should they exist.

Hon. Michelle Rempel: How many will be required to have language training services?

Mr. Mike MacDonald: We do not know that at this time.

Hon. Michelle Rempel: How many people, who have been part of this cohort since January 2017 have found employment?

Mr. Mike MacDonald: I have the work permit uptake issuance, which has been extremely high for both Nigerians and Haitians.

Hon. Michelle Rempel: How many have actually found employment?

Mr. Mike MacDonald: They're open work permits, so we wouldn't have an indication of that for several years.

Hon. Michelle Rempel: Do you have any intent of putting in place a system to monitor the employment status of people entering the country in this cohort?

The Chair: Mr. MacKinnon, and that will be the final word.

Mr. Paul MacKinnon: Mr. Chair, we don't have that information now, but on the question of whether or not we have a plan, we are looking at how we can work with provinces to better understand the people who go on social assistance and who do not pick up our work permits, and how we can link that data going forward to understand when people come off social assistance. Therefore, the proxy for that is that we're assuming that they're working.

Hon. Michelle Rempel: How many are on social assistance?

The Chair: I need to end it there.

Thank you, Mr. MacKinnon.

Thank you, Ms. Rempel.

Thank you, ministers and officials, for this first hour. I'd like to have a fairly quick change so we can bring in our next panel of witnesses.

We'll suspend for just a moment.

● (1100)

(Pause)

● (1105)

The Chair: We're going to call the meeting back to order, please.

Thank you, witnesses, for joining us for this second hour as we continue to study the impact of irregular crossings at the southern border of Canada.

We're going to begin with the current representative from the United Nations High Commissioner for Refugees.

Monsieur Beuze, would you begin? You have seven minutes. Thank you.

Mr. Jean-Nicolas Beuze (Representative in Canada, Office of the United Nations High Commissioner for Refugees): Thank you very much, Mr. Chair and honourable members. Thank you for inviting us to come before this committee once again.

Let me put things in the perspective of the UN refugee agency, which has a global mandate. Last year we saw 25 million refugees. It's an increase, compared to 2016, of close to three million refugees. It's the largest increase that we have witnessed globally in a year's time. On top of that we have 4.4 million asylum seekers whose cases are still pending.

It will come as no surprise to the honourable members that if we have an increase of three million people recognized as refugees, Canada will have a fair number of those people coming to the territory. If you look at the number, the 50,000 asylum seekers, let's say that if the IRB were to recognize all of them—and it's the prerogative of the IRB to decide who is a refugee or not—of the 29.4 million, those 50,000 mean that less than 0.2% have come to Canada. I think it's important to put this in perspective.

The second point is that if we look at the countries, indeed we have a number of people coming from situations of extreme violence, such as those in Somalia, Syria, Yemen, and Palestine. I'm sure that all Canadians are very proud to be offering protection to those families. In addition, we have countries like Nigeria and Haiti, the two main countries from which irregular arrivals are arriving. We know that in those countries a number of profiles, such as the LGBTQ community, victims of sexual violence or domestic violence, or little girls at risk of female genital mutilation or cutting or of child marriage, may be in need of Canada's protection. Again, I'm sure that everybody in this room is proud that Canada offers this protection to those families.

A lot of discussion has been going on about the numbers and predictions of numbers for the remainder of the year or for five years' time. UNHCR will caution against those kinds of approaches. It's extremely difficult to predict, as was said earlier on. We have seen a large decrease, in May and June, of people arriving in Canada through irregular crossings. If I am correct, as we stand now in July we have an average of 40 to 45 persons crossing irregularly at Roxham Road, which is half of what was happening in July last year. I think nobody could have predicted that. We had heard, on the contrary, people crying wolf, indicating that we would be seeing a large increase. That's not what is happening, and therefore it's very difficult to predict those movements.

I would like to make a point about the fact that it has often been described as people coming from the U.S., United States long-timers, who are coming to Canada. Actually, for the last 18 months we have observed that a number of people actually use the United States only as transit. They claim or they report that it was easier for them to get an American visa than a Canadian visa but that their intention was to come to Canada.

Here I need to stop and say that there's no obligation, under international law, for people to claim asylum in the first country where they arrive and where they can find safety. However, UNHCR encourages countries to come together and have agreements to manage their borders as efficiently as possible. In this respect, I have had the opportunity to brief this committee in the past. UNHCR has been observing the situation at Lacolle, at Roxham Road, but also in Manitoba and in British Columbia, where people are arriving through irregular means. I must say that we have seen not only an efficient processing of those persons by RCMP, CBSA, and later on IRCC and IRB, but one with a lot of humanity and respect for the dignity of those people. I'd say again that Canadians must be proud of what has been achieved by all those institutions over the last 18 months.

I would like to turn to the issue of language. I think it's very important that we keep using the correct terminology, because a number of words that have been used in this room and elsewhere tend to dehumanize the people who arrive by irregular means.

● (1110)

As was mentioned several times, people cannot be qualified as illegals. They are irregular arrivals. They enter irregularly, but there is nothing illegal when you cross an international border to claim asylum. IRPA is very clear on the fact that it is applicable also to people who transit through another country.

It is also important to maintain the fact that the Immigration and Refugee Board is the only competent body. It is an independent quasi tribunal that will decide whether people are entitled to the protection of Canada as refugees or not, and therefore it is dangerous to qualify those people as making an eventual bogus claim. Those people all come with different stories and choose Canada for different reasons, including sometimes a family connection or cultural and linguistic affinities. All of those reasons are difficult to ascertain because every single case is different. One needs to repeat here that it is never an easy choice for people to leave their home and cross several seas, continents, and countries to claim asylum in another country.

I would really like to stress that we hope that the populist rhetoric that seeks to gain short-term voting support will not bias the discourse and the discussions that we have about people who are irregular arrivals and are entitled to the protection of Canada, pending determination of their cases by the Immigration and Refugee Board.

The last point I would like to make is that we know that a number of them are rapidly becoming economically self-reliant. We know that it takes an average of three weeks for people to get a work permit. We know from anecdotal evidence that in Quebec, for example, 50% of them have a job and therefore are not using the social subsidies of the state. They earn their bread and butter for themselves and their families on their own. We know that a number of them are educated and will find a job. We also know that the capacity of shelters to accommodate them was not overwhelmed by the arrival of those numbers. This predates the crisis, and it is extremely important that we not scapegoat refugees and asylum seekers for issues that predate and are related to other factors than their arrival in the country.

Thank you very much, Mr. Chair.

The Chair: Thank you very much.

Mr. Edelmann, you have seven minutes.

[*Translation*]

Mr. Peter Edelmann (Lawyer, As an Individual): Thank you for inviting me to appear once again before the committee.

I am a lawyer who specializes in the arena where criminal law, national security, immigration, and refugee status intersect. For more than a decade, I have routinely handled legal issues involving the arrival of refugees in Canada as regards both migratory law and criminal prosecution.

I am glad to have the opportunity to speak at greater length about the issues deemed most important by the committee. I thought it helpful, however, to take some time during my opening remarks to briefly outline the legal context for refugee claims in Canada and the legality of the actions taken by refugee claimants.

[*English*]

When discussing the legality of refugee claims, it is important to understand the process of initiating a refugee claim. Regardless of where a person makes a refugee claim, be it at a land-based port of entry, an airport, an inland office, or a marine port, the claimant will invariably be issued a conditional departure order. It is important to understand the grounds on which that order is made—a breach of the requirement under paragraph 20(1)(a) of IRPA that a foreign national seeking to become a permanent resident have a permanent resident visa.

The conditional departure order is issued to every claimant, regardless of where they make their claim. It comes into effect only if the refugee claim is denied, and it never comes into effect for people who become protected persons.

A person who makes a claim after crossing the border at a place other than a port of entry will be issued a departure order in the same way: in other words, on the same grounds, for the same breach of the act.

Despite the grounds for inadmissibility underlying every refugee claim in Canada, I find it difficult to frame this as illegality, given Canada's obligations to refugees, both internationally and under the charter. Significant portions of IRPA are dedicated to refugee claims, starting with the objectives set out in subsection 3(2) relating to refugees, specifically paragraph 3(2)(c), which sets out the following objective:

> to grant, as a fundamental expression of Canada's humanitarian ideals, fair consideration to those who come to Canada claiming persecution;

The bulk of part 2 of the act addresses the process and procedures for making refugee claims in Canada, and section 99 specifically foresees that a refugee claim may be made inside Canada. I am unable to understand why the use of these procedures, in good faith, could be framed as illegal, even if it invariably results in a finding of inadmissibility and the issuance of a conditional departure order.

The arrival of refugees on Canada's shores will often involve other apparent contraventions of the laws of Canada and other countries. One of the most common contraventions we see is the use of fraudulent or improperly obtained documents in order to travel. Beyond the problem of not having permanent resident visas, many refugees aren't able to obtain legitimate documents to come to Canada at all.

The British House of Lords described this problem in the case of Adimi in the following terms. These are the words of Lord Justice Simon Brown:

> The problems facing refugees in their quest for asylum need little emphasis. Prominent amongst them is the difficulty of gaining access to a friendly shore. Escapes from persecution have long been characterised by subterfuge and false papers. As was stated in a 1950 Memorandum from the UN Secretary-General:
>
> "A refugee whose departure from his country of origin is usually a flight, is rarely in a position to comply with the requirements for legal entry (possession of national passport and visa) into the country of refuge."

It is precisely in the context of this that the framers of the refugee convention included the principles in article 31, which, as you've heard today, have been implemented into section 133 of the act, which states that a person who has made a refugee claim in Canada may not be charged in relation to a series of events "in relation to the coming into Canada of the person, pending disposition of their claim for refugee protection or if refugee protection is conferred."

This is the equivalent in criminal law of the conditional departure orders that are issued in the context of immigration law. There are no legal consequences or penalties imposed in Canadian law for irregular arrival against individuals found to be genuine refugees.

This brings me to the question of irregular crossings, which is the topic of your meeting today. I think it is important to clearly outline why the conduct of claimants at places like Roxham Road is being reproached, so there is clarity on the appropriate way to engage in the claim process set out in IRPA.

I would like to emphasize that it is not a contravention of IRPA to cross at a place other than a port of entry. Subsection 27(2) of the regulations clearly states:

> Unless these Regulations provide otherwise, a person who seeks to enter Canada at a place other than a port of entry must appear without delay for examination at the port of entry that is nearest to that place.

The crossing itself is not illegal. Where we talk about illegality or where there is a contravention is under the Customs Act. Subsection 11(1) of the Customs Act does create a requirement to enter only at a designated customs office. Although section 160 of the Customs Act creates a general offence for the contravention of section 11, it is very doubtful that prosecution against a refugee claimant would or could be pursued without being in breach of both the charter and Canada's international obligations.

It would also be a rather odd state of affairs if we were to refer to refugee claims made in conformity with the process set out in IRPA as illegal only because of a breach of customs regulations. IRPA is designed to regulate the entry of people, while the Customs Act deals with goods. Refugee claimants entering at places other than a port of entry are doing so in order to make a refugee claim, rarely if ever with any intention to undermine the goals of the Customs Act.

Moreover, if this is the only illegal aspect of the conduct, it can easily be remedied by claimants simply crossing through waterways and lakes and arriving at designated customs points. I don't think anybody at this table wants to see people starting to cross waterways, and I don't think I need to elaborate on the problems that would arise out of that.

● (1120)

[*Translation*]

I'd like to conclude my remarks by sharing one last observation.

Whether you wish to qualify refugee claimants crossing into Canada at the country's southern border as legal or illegal, the strategies they are using stem from the safe third country agreement.

As Professor Liew will undoubtedly point out, there is good reason not only to question the U.S.'s designation as a safe third country, but also to consider suspending the agreement altogether from a practical standpoint. Rather than creating a situation that encourages irregular crossings, it would certainly be preferable for refugee claimants at Canada's southern border to enter at ports of entry in an open and orderly fashion.

It is highly doubtful that the U.S.'s designation as a safe third country will deter refugee claimants. It is much more likely that the designation will merely deter them from making their claim at a port of entry.

Thank you for listening. I would be happy to answer your questions.

The Chair: Thank you, Mr. Edelmann.

We will now continue with Ms. Liew.

|*English*|

Thank you. You've given us a written submission. The members will get it once it's translated, but just don't assume they have that submission yet.

Ms. Jamie Liew (Associate Professor and Refugee Lawyer, Faculty of Law, Common Law Section, University of Ottawa, As an Individual): Good morning, and thank you. I am a refugee lawyer and an associate professor of law at the University of Ottawa.

I first want to talk about the idea that assessing refugee claims should be done within the framework of a process related to the selection of humanitarian immigrants. When we are talking about processing refugee claims, there are three things the committee should keep in mind.

First, as you've heard a lot about today, Canada has an international obligation not to return a person to risk, and to properly assess refugee claims.

Second, there are a number of factors driving people to move, including those out of Canada's control. People have been and are coming regardless of what Canada does to discourage or encourage them to come, and the committee should not conflate the refugee protection program with other immigration streams. It is a unique program where people are not necessarily selected, and where the requirements to qualify as a refugee are different from the criteria in any other stream. Questions about whether those crossing our borders speak our official languages or what skills they have are irrelevant. What is relevant is whether the person fits the definition of refugee.

Third, refugees should not be pitted against each other. There is no queue. Sure, Canada can voluntarily select persons overseas to resettle, but refugees abroad waiting in refugee camps are no more or less deserving than those who eventually obtain protection by coming through our land borders. While, for better budgetary planning, the levels plan can be amended to an estimated number of persons who may be expected to come, ultimately we should not be preoccupied with quotas or levels because, as was said earlier, the levels are unpredictable and, ultimately, we have an international obligation to meet.

This committee has also heard that one plan the government should undertake is to close the loophole in the safe third country agreement. In my recommendation today, to manage the border, as one member of Parliament has said, in a planned, orderly, and compassionate manner, we should suspend the STCA immediately.

I just want to make a point of clarification from this morning and note that article 4.1 of the safe third country agreement actually stipulates that the STCA be applied at the land port of entries, and not between the ports of entry. I wanted to clarify that and make sure the committee knew it.

Secondly, I think if we are talking about applying the STCA between the land ports of entry, not only would there be a practical problem with that, but there is also the issue of making that factual finding. How would we be sure how a person has entered Canada? This is a factual finding that comes with many procedural barriers and one that I think would burden legal processes in the future.

Aside from that, I do want to note that the STCA's original purpose was to reduce the pressures faced by the IRB from the number of claims being made, but that it would not adversely affect the situation of asylum seekers. The STCA primarily benefits Canada, and the U.S. agreed to it in order to put in place post-9/11 measures at its border. Since it's inception, the STCA has not done what it has promised, which is to prevent refugees from coming into Canada. This is clear from the numbers that you've heard today. Both before and after the STCA was put into place, people have been coming across our border.

Second, concerns have been expressed in the House and the Senate since 2002 about the STCA, and indeed the Senate in 2002 in its report on the safe third country regulations highlighted the very risks we see people experiencing today. The Senate then, as well as advocates today, have called for a review of this agreement due to these risks. I've reviewed information coming from the United States on the impact of the STCA and I want to highlight a few factors for you today.

The first is that Canada is putting people at risk by turning them away at official ports of entry. For example, there's a case of one Rwandan woman who went to an official port of entry, was interviewed by Canadian border officials over the course of five hours, was shocked that no one asked her why she was claiming asylum, gave her fingerprints, signed some documents, and was driven back across the U.S. border, where she underwent more interviews, was handcuffed, detained, put into solitary confinement for 10 days, released into the general population in the prison, and when she was eventually released from detention she just came back to Canada through an irregular, and very dangerous, route.

I understand that Mr. Seidhu Mohammed is coming to speak this afternoon, and I think he is the best person to give you more details on the risks of crossing the border this way.

Second, Canada is violating its international obligation to properly assess refugee claims by turning a blind eye to the improper treatment of refugee claimants in the U.S., including the latter's detention of people via an expedited process, and its denial of claims based on gender-based persecution, for example.

● (1125)

American attorneys have given a lot of evidence that the U.S. government is apprehending people travelling by buses and trains and prosecuting them on charges of illegal entry regardless of whether an asylum claim has been made. Persons are given credible fear or reasonable fear interviews, and if they do not pass they are removable. These are cursory interviews where people can be denied on the spot, without an opportunity to obtain a lawyer or to develop and present their claims, and quickly deported thereafter.

American attorneys have also stated that immigration detainees are being held in criminal facilities, subject to solitary confinement. There is insufficient medical care in detention, and little access to interpretation and legal services. A significant number of immigration detainees are not eligible for bond. Children and entire families are being detained. Attorneys have seen their clients experience PTSD and suicidal ideation.

With regard to gender-related refugee claims, we've seen the attorney general of the United States, Jeff Sessions, issue a precedential decision that effectively eliminates a woman's ability to obtain refugee protection based on domestic violence or other forms of gender-related persecution.

This is all too real in the case of Ms. L from Honduras, for example. She was kidnapped as a teenager, held in captivity, and raped and beaten for months. This included attacks with a machete. Thereafter, for more than 10 years, Ms. L was stalked and threatened. Hit men killed her domestic partner. Ms. L had to move to different parts of Honduras. She fled to Mexico but was deported back to Honduras. Ms. L's abuser moved back in with her and continued his brutal abuse until she fled for the United States, where she was detained. Even though an immigration court found Ms. L credible, refugee protection was denied, despite evidence of gender-based violence and the Honduran government not being able to protect her.

I want to close by saying that the government should be interested in managing the border in an orderly and compassionate way. There are three steps to do this. First, suspend the STCA. Allow people to present themselves in a regular fashion at an official border crossing, not makeshift ones like at Roxham Road. Second, give each person coming to our border a fair opportunity to present their claim at the IRB, because we can no longer be assured that people are getting a chance to do so in the United States. Finally, fund the IRB appropriately to hear their cases in an efficient manner.

I am open to any questions or remarks the committee may have today. I will also be providing a copy of the Canadian Council for Refugees paper on why the U.S. is not safe for refugees.

Thank you.

The Chair: Thank you very much.

Mr. Whalen, you have seven minutes.

Mr. Nick Whalen: Thank you very much, Mr. Chair.

Thank you to all for coming.

Mr. Beuze, you've appeared before our committee on many occasions. Thank you for the international perspective you've provided.

You spoke a little bit about the reduction from last year to this year and the overall percentages of the number of international refugees Canada seeks to help. As compared with our other western counterparts, do you find that Canada is doing a good job of managing its international obligations and of living up to those international obligations, not just overseas but at our Quebec and Manitoba borders?

Mr. Jean-Nicolas Beuze: There are two points. Definitely Canada is upholding the standards of the convention by allowing people arriving through irregular means to lodge a claim before the IRB. I must just say that, from over 18 months of observation, I will differ with a point that has been made. The people are not taking a risk. They are crossing at Roxham Road, or 96% of them are crossing at Roxham Road. I know that a number of you have been there. It's a little ditch that has actually been filled with stone. Nobody, even in the winter, is taking any risk whatsoever in terms of their life or their physical integrity. In this respect, the process at Roxham Road is extremely efficient, extremely humane. It's taking care of the various needs of the population that arrives, whether it be children, persons with disabilities, or so on. Canada is certainly upholding the standard.

The second point is that when you look at one indicator—for example, the ratio of asylum seekers compared with the overall population—it's 50,000 out of 37 million Canadians, or 0.1%, which is very similar to what the U.S. and a number of countries, Germany in particular, are witnessing. However, I need to flag this. Take Germany as an example. At some point in the past, in 2015 and 2016, Germany received 700,000, or close to 800,000, asylum seekers in comparison with the 50,000 for Canada. These are two G7 countries. Of course, Germany has double the population, but still, if you make a comparison, Canada is receiving only a small fraction of what European countries, for example, are receiving.

● (1130)

Mr. Nick Whalen: From my perspective, one important reason to have this meeting is to combat some of the disinformation around asylum seeking in Canada and to reassure Canadians that we're living up to our international obligations, of course, and that we do have a system that is compassionate, and that Canadians are doing their part.

You've spoken a little bit, and we've heard from Mr. Edelmann as well, and previously we had Minister Goodale speak about the legal obligations that we're meant to uphold. With regard to section 133, can you just clarify a little bit for us what Canada's obligations are and how we're living up to them, Mr. Edelmann?

Mr. Peter Edelmann: Sorry, is that section 33 of the convention?

Mr. Nick Whalen: No, it's article 31 of the convention and section 133 of IRPA.

Mr. Peter Edelmann: In my experience with the criminal law, we very clearly implement section 133 in terms of not proceeding with prosecutions. Generally speaking, we don't see prosecutions unless there are cases of outright fraud or other situations in which people might be prosecuted. In the sense of people arriving without proper documents, the implementation of section 133 is, in my view, done quite effectively within the courts. From time to time we have to fight or have some arguments about the actual interpretation of it in the courts as to how it applies to the pre-removal risk assessment process or other issues. In terms of the straightforward refugee claimants, I haven't seen any prosecutions, at least in the region where I practise.

Mr. Nick Whalen: Certainly in my riding, we receive not, perhaps, as many refugee claimants as larger cities do, but in St. John's East there are many people who come with improper documents. We're always trying to fix the birth dates or allow them to resume normal life once they're settled in Canada. There are many bureaucratic and documentary problems in the countries from which they've fled.

This is maybe a question for you, Ms. Liew. In terms of obligations to let Canadians settle into Canada and become established, do you think that what we're doing at the IRB to ensure that they have a fair hearing, once they get to that stage of the process, needs to be changed in some way, or is the IRB functioning properly in this regard?

Ms. Jamie Liew: I think the IRB has a pretty high standard in the world with regard to refugee determinations. There is always going to be room for improvement. I think the biggest barrier with regard to what this committee is concerned about today is the fact that the IRB needs more resources to be able to operate in a fast and efficient manner, and to do its job in a way that is not leaving a lot of people's lives in limbo.

It's not just the government that has to be concerned about the costs of having people wait for their refugee hearings to be held. There is also the emotional and the financial costs associated with refugee claimants themselves. I think that one prudent measure the government can take is to properly resource the IRB to match the number of claims that are coming through.

Mr. Nick Whalen: Well, on that point, Mr. Beuze, you've been before us many times. You've seen changes over the course of this Parliament and what we've done on the integration front. We've just added $173 million to address this very issue. From your perspective, have the changes we've made over the last three years made our system better? Are we better able to cope with the situation at the border than we were, say, in 2015?

Mr. Jean-Nicolas Beuze: In terms of the processing at the border and at the irregular arrival points, I repeat the observation of UNHCR that things are processing in a very humane manner and diligently.

I would also like to flag that the IRB, over the last 12 months, has done incredible work in creating efficiencies within the system and within the legal and policy frameworks that have increased efficiency by up to 50% with the same resources—that is, without using the resources that were allocated by the federal budget in February. That, I think, is to be commended, because it's a way to go.

Yes, there is a long time frame, up to two years, but that's not odd. There is not a single refugee status determination body, including UNHCR when we are doing it, that does not have those large backlogs. That's a reality of that kind of work. It's resource-intensive. It requires human interpretation. You need to hear. There may be different evidence to be brought. In the meantime, those people, after three weeks, get a work permit, and a large majority of them become self-reliant and therefore can wait. It's clear that there is emotional duress, but when they have fled torture or bombs falling on their house, waiting even for two years—with a work permit, a house, and their kids in school—for a decision from the IRB, I assure you, is not the main problem of those asylum seekers.

● (1135)

The Chair: Thank you.

Ms. Rempel.

Hon. Michelle Rempel: We've heard an assertion that the United States is not safe for refugees, so I'm just wondering if the UN could tell us if you're asking the United States to accept refugees this year.

Mr. Jean-Nicolas Beuze: Do you mean refugees through resettlement? Yes, between 20,000 and 25,000 refugees will be landing in 2018 as resettled refugees in the U.S.

Hon. Michelle Rempel: How is the U.S. not safe for refugees if the United Nations is asking it to resettle refugees?

Mr. Jean-Nicolas Beuze: I have never commented on whether the U.S. is safe of not. What I have said several times is that it's the prerogative of two or more states, as we see in the European Union, to enter into those agreements to manage in the best way possible their borders and, eventually, irregular entries. What matters is that in both countries, or in all those countries participating in a safe third agreement, people have access to a fair asylum process and that, ultimately, they are not returned to countries where they face torture or death.

Hon. Michelle Rempel: Certainly, but we've heard that assertion about the United States in the closing statement here by arguably one of Canada's leading advocates of refugees. Would the United Nations share that opinion?

Mr. Jean-Nicolas Beuze: We encourage states to enter into agreements when they fear on both sides of the border—or many sides of the border when it's several countries—that people are not having fair access to asylum procedures. We also work with all of those governments to improve the situation, which is what we also do here in Canada. For example, we are very much looking forward to the announcement by Minister Goodale of the alternatives to detention as part of the immigration process, and it is part of the discussions we are having bilaterally with something like 135 countries throughout the world to improve the ways that people can claim asylum.

Hon. Michelle Rempel: But just to clarify, the United Nations is asking the United States to resettle 20,000 refugees this year.

Mr. Jean-Nicolas Beuze: Yes—

Hon. Michelle Rempel: It's 25,000. Sorry.

Mr. Jean-Nicolas Beuze: It's going to—

Mr. David Tilson (Dufferin—Caledon, CPC): You said 25,000.

Hon. Michelle Rempel: Would the United Nations ask a country to resettle 25,000 refugees if it weren't safe for them to go there?

Mr. Jean-Nicolas Beuze: We are looking at two different categories of people: asylum seekers and refugees. But, indeed, the U.S. has been a reliable partner of the UNHCR on resettlement for years. For years it was, and it still is as of today, the number one place where we can find durable solutions for the most vulnerable refugees.

Hon. Michelle Rempel: Excellent.

How many government assisted refugees is the United Nations recommending that Canada resettle this year?

Mr. Jean-Nicolas Beuze: We don't have a number per country, but we have identified 1.4 million refugees out of the 25 million who are in need, as a life-saving intervention, of a durable solution in a country like Canada.

Hon. Michelle Rempel: Okay.

Mr. Jean-Nicolas Beuze: Canada will resettle 7,500 of them, plus an additional 1,000 under the provisions of the federal budget of February, which will target women in need of resettlement. And we have another 1,500 under the BVOR, which is a mixed program of government and private sponsorship support—so 10,000 in total.

● (1140)

Hon. Michelle Rempel: Sure.

Does the UNHCR track internationally, by country, or have a benchmark of an adequate amount of funding that should be allocated to a refugee who is being resettled through one of your programs, in terms of language training, housing, and social supports that aid integration?

Mr. Jean-Nicolas Beuze: No, and that would be very difficult to do because each of those programs is very different from one country to the other.

Hon. Michelle Rempel: Sure.

Mr. Jean-Nicolas Beuze: Some provide shelter, or work. It depends, for example, on when the work permit is given. In some European countries, pending your asylum claim being determined, you cannot work. Of course, that means the cost for the state to provide shelter, food, and everything is far higher there than it is in Canada, where people, after three weeks, are given a work permit.

Hon. Michelle Rempel: During your comments—and I apologize because I was outside the room scrumming for half of them—you referred the number of asylum seekers who had been employed. Were you referring to Canadian asylum seekers, people in Canada?

Mr. Jean-Nicolas Beuze: Yes, we have anecdotal information from a number of partner organizations, in Quebec in particular, that indicates that within a reasonable period of time, up to 50% of them have found a job.

Hon. Michelle Rempel: In which time period?

Mr. Jean-Nicolas Beuze: It's within three to six months. It's quite rapid. We know that within one year of arrival, the average income of those asylum seekers is $20,000.

Hon. Michelle Rempel: Were they the people entering at the Roxham Road crossing or for just across-the-board asylum seekers?

Mr. Jean-Nicolas Beuze: It's across the board, but we don't see any differences in terms of the profile, in terms of the—

Hon. Michelle Rempel: Okay, but was it being tracked separately?

Mr. Jean-Nicolas Beuze: The $20,000 average income is from the census, which was released by Stats Canada in November last year.

Hon. Michelle Rempel: What time period was the data pulled from?

Mr. Jean-Nicolas Beuze: I think the census was carried out in 2016.

Hon. Michelle Rempel: Okay, so it wouldn't necessarily have captured data from 2017.

Mr. Jean-Nicolas Beuze: No, but anecdotal information from two partners in Quebec indicates that of the clients, if you wish, they have supported through job fairs, for example, 50% of them have been able to find jobs. With some arriving with their own resources, they think that up to 60% of them will be economically self-reliant on the spot. I mean—

Hon. Michelle Rempel: Was there any correlation with the likelihood of asylum claims being accepted within that cohort?

Mr. Jean-Nicolas Beuze: In terms of their economic self-reliance? No. I don't know.

Hon. Michelle Rempel: I just ask because I'm wondering if perhaps there is a better way for people who are seeking to enter the country, who might not have valid claims, to have a permanent path to residency. It's something we don't talk about in this committee, but perhaps we should.

In terms of the data you received, was there any tracking of language acquisition by those in the cohort that have entered via Roxham Road starting in 2017?

Mr. Jean-Nicolas Beuze: It varies a lot according to nationality. You can imagine that Haitians will have a higher chance of speaking French. Nigerians will have a higher chance of speaking English than, let's say, Syrians or Somalis.

Hon. Michelle Rempel: Was there any data on the adequacy or level of support being provided for language acquisition?

Mr. Jean-Nicolas Beuze: What do you mean?

Hon. Michelle Rempel: Were there enough spots, let's say in Quebec, to train people in language skills?

Mr. Jean-Nicolas Beuze: I was recently with the MIDI, the Quebec ministry of immigration. They were indicating that they have put in place contingency plans and have not reached their higher level. For example, with regard to shelters, they indicated clearly that those are only 50% full.

The Chair: Thank you. I need to end it there, Ms. Rempel.

Ms. Kwan.

Ms. Jenny Kwan: Thank you very much, Mr. Chair. Thank you to our witnesses.

Professor Liew, I'd like to start with you. In your presentation you made it very clear that Canada should suspend the safe third country agreement, indicating that what's going on in the United States is not safe for asylum seekers. You cited cases and examples of people who came through the official ports of entry and were turned back, and the grave situations they were in.

The United States currently has a policy in place that rejects asylum seekers who claim asylum on the basis of gang and domestic violence. From your knowledge, would you say that those are valid reasons to say that the United States is not a safe country for asylum seekers?

● (1145)

Ms. Jamie Liew: I think it's a great point to make that there is a difference between selecting people to be resettled into a country to find safe haven there, i.e., in the United States, versus people who have come to the United States to make an asylum claim within the United States. For those people in the second category, those going through the refugee determination process within the United States, they are at risk. The reason is the policies you've named—for example, those who will be denied on the spot simply because their claim is related to gang violence or gender-based persecution. Those people will not be provided the same kind of protection they would expect to be provided in Canada.

I can give you a very real example. There's a woman named Magdalena, who, with her six-year-old daughter Maria, fled Guatemala to escape her abusive husband. On arrival in the U.S., Magdalena was separated from her daughter and criminally prosecuted for illegal entry. Her daughter was taken to a facility for unaccompanied minors. After five months in detention, Magdalena was deported back to Guatemala, where she is hiding from her abuser. Her daughter has since been released to a family member in the United States and is pursuing her refugee claim alone. I think this example exemplifies how the United States is not living up to its international obligations with regard to refugee protection, how the refugee determination system is not doing its job there, and that Canada should not turn a blind eye to this.

Ms. Jenny Kwan: Thank you.

I am going to turn to Jean-Nicolas. Thank you for your presentation. Given what we just heard from Professor Liew, would you agree that it is not safe for those asylum seekers to seek asylum in the United States?

Mr. Jean-Nicolas Beuze: I will give an example that will, I hope —

Ms. Jenny Kwan: Sorry, I just want an answer to my question. Is it safe for those individuals?

Mr. Jean-Nicolas Beuze: There is recourse before the court on the cases of domestic violence that have been mentioned. I would like to point out as well that in Canada not all persons who are fleeing gang violence are recognized in the refugee definition, but are protected under section 67.

Ms. Jenny Kwan: I am going to ask a very clear question. If Canada put in a policy saying that we would reject all asylum seekers if they are seeking asylum here because they are fleeing domestic violence or gang violence, would that not make Canada not very safe for those people who are seeking asylum? You're nodding to that question.

In the United States, that is the blanket policy they have in place. It is not an evaluation of individual cases on whether or not those facts are founded, but rather a blanket policy. When you have a blanket policy like that for individuals who are there to make an inland asylum claim in the United States, is it safe for them?

Mr. Jean-Nicolas Beuze: Decisions are being challenged in court, and there will be a final decision on whether an asylum seeker in the U.S. can make a claim based on their fleeing domestic violence or a criminal gang. In Canada, as well, we are looking at the issues of how people are being recognized as refugees when they flee criminal gangs, and a number of them are recognized in section 67 under other humanitarian considerations and not with a link to the refugee definition.

Ms. Jenny Kwan: At the moment, there are 463 parents of migrant children, the more than 2,000 children who were ripped away from their parents, who are no longer present in the United States. This means that those children are rendered orphans at the moment in the United States. The United States has a blanket policy that rejects asylum seekers who show up at the border to seek asylum if they are faced with gang violence or domestic violence. This is the reality of what's happening on the ground in the United States. I think anyone would be hard-pressed to say that the United States is a safe country for those asylum seekers. I hope we can agree that it isn't.

Domestic violence is a common cause of persecution for female refugee claimants. Between January 2013 and September 2017, Nigeria was the top country for people seeking asylum in Canada for that reason. Haiti was second, and Afghanistan was third. At least half of them were found to have a valid claim here in Canada. That is the reality we have in terms of our stats.

The situation in the United States is such that I would argue it is not a safe country. The UNHCR does resettle people there, but that's different. Resettlement is something they accept, versus people who show up at their border. I hope that UNHCR will recognize that difference.

Mr. Edelmann, you raised the issue of safe third country. Can you confirm for me that it is also your opinion, given your expertise in this field, that the safe third country agreement should be suspended?

● (1150)

Mr. Peter Edelmann: Even aside from the reasons with respect to the recognition of the United States as a safe third country, I think there are some very good practical reasons for suspending the agreement so that people can just come to the ports of entry, where the resources are, and make claims in an orderly fashion.

What we've done now is essentially create a de facto unofficial port of entry to allow for orderly claims, but they all come through Quebec. We see the same process happen in B.C., but it's through a park and it is not the most orderly process. It would be much more orderly if they could just come to the Peace Arch and make their claims, rather than walking through the park.

From a practical perspective, I think it's worthwhile to suspend the agreement.

Ms. Jenny Kwan: What the government needs to do is to create a plan. That plan needs to incorporate a suspension of the safe third country agreement. In my view, we need to increase the levels plan —not to set a quota, but to set the upper targets to adjust to the reality of what we are faced with today—and then to resource the IRB so they can process the claims adequately and expeditiously. We also need to resource the local communities and the provinces so they can provide the supports necessary for the asylum seekers.

Do I have this correct by way of a plan that the government needs to have in place?

I'm going to start with Professor Liew.

The Chair: Very briefly.

Ms. Jamie Liew: Yes. Essentially yes.

Ms. Jenny Kwan: Mr. Edelmann.

Mr. Peter Edelmann: I agree with most of what you said, so yes, I would....

Ms. Jenny Kwan: Thank you.

The Chair: Mr. Anandasangaree for seven minutes.

Mr. Gary Anandasangaree (Scarborough—Rouge Park, Lib.): Thank you, Mr. Chair. I'll be sharing some of my time with my colleague Greg Fergus.

First of all, thank you to the panel for joining us. I'd like to focus many of my questions on Jean-Nicolas Beuze. Can you just give us a sense of the situation globally with refugees and forcibly displaced people? I know it is often now referred to as a crisis. Can you tell us what similar countries to Canada—I know you mentioned Germany —and other European countries and Australia for example are going through? And for countries not as economically strong as Canada, what kinds of situations are they facing with asylum seekers?

Mr. Jean-Nicolas Beuze: We are saying there are several crises with refugees, but none in the western world. None of these are in Europe or North America as we speak. However, it is certainly a crisis for a country like Bangladesh, which over a period of six weeks received 700,000 people. At the peak of the Bangladeshi crisis, in the first week of September, Cox's Bazar, an impoverished part of the country where you have had the honour of going, received 50,000 people in one day. That is the equivalent of one year in Canada, a G7 country, with all of its resources and a functioning state. The Bangladeshi authorities have kept the border open. The Bangladeshi communities have opened their homes and shared their meagre meals.

We see this mainly in sub-Saharan Africa, in the Middle East, and in Asia. In comparison, as I was able to flag earlier on, Canada is only receiving a very small fraction of what has become a series of crises throughout the world, where people are more and more on the move. I repeat, last year, in 2017, we had the largest increase in refugees my organization has witnessed since its creation.

Mr. Gary Anandasangaree: In that context, when we look at Canada and what's happened here, we had just over 20,000 people cross last year. I think we're just under 10,000 so far this year. Can you maybe describe the situation? Would you consider this to be a crisis? Would you consider this to be irregular but managed?

● (1155)

Mr. Jean-Nicolas Beuze: It's definitely not a crisis. I think it's very well-managed. It's being done in an orderly and, I want to repeat, very humane manner. People are being temporarily arrested before they actually claim asylum and are processed through CBSA and then IRCC. It's done in a very smooth manner.

We have interviewed scores of people, both at the border and later in shelters, or in their own homes, or at those NGOs I was mentioning, and all have been praising.... It is not only the UNHCR that has said Canada has done well; all have been praising the way they have been received and handled by the different authorities in Canada.

Mr. Gary Anandasangaree: Can you maybe comment on the situation in Toronto. I know there have been a number of questions about shelter and housing. How does the housing situation in Toronto compare with that in other major cities where there have been influxes of asylum seekers?

Mr. Jean-Nicolas Beuze: I don't have the actual numbers. Out of the 10,000 who crossed irregularly in Quebec, 3,000 may have arrived in Toronto, a city of 10 million inhabitants. In comparison, when I was posted in Lebanon, we had 1.2 million crossing in a few months into a country of 4 million inhabitants, where at least half of them didn't have running water or electricity. I won't go further than that.

Some hon. members: Oh, oh!

Mr. Gary Anandasangaree: I think it's important to recognize. I know the issue of language training and other settlement services has been brought up. I think it's important that any host country extend those supports, but how essential are those to someone who, in their mind, is fleeing persecution?

Mr. Jean-Nicolas Beuze: It's essential that people can find a safe space where the family can be together and have some sense of privacy. After so many travels, often there is a sense that the dynamics within the family have been perturbed. That's why it's very important for them to get access to a shelter, but we know that a large number of them will very rapidly, within three, six, or nine months, be able to get out of those temporary shelters—they are temporary— and be able to rent affordable accommodation, whether in an urban or rural centre. We know that Quebec provides incentives to people to go to rural areas, where they can get additional support from the communities. Here again I need to praise the Canadian people. They have been extremely supportive in helping people find shelter, helping them to find jobs, helping them with language—

Mr. Gary Anandasangaree: Thank you, Mr. Beuze. I do have to yield my time to Mr. Fergus.

The Chair: You have one and a half minutes left.

[*Translation*]

Mr. Greg Fergus (Hull—Aylmer, Lib.): My questions, which will be very short, are for Mr. Beuze or Mr. Edelmann.

In your opening statement, at the top of our second half, you talked about the difference between irregular and illegal crossings. I think that's a very important distinction to make. I'd like to give you an opportunity to shed some more light on that for us.

Mr. Peter Edelmann: When you call something illegal, you have to be very specific about what you are referring to. You get into illegality on two fronts. The first involves the Immigration and Refugee Protection Act. In those cases, a conditional removal order has been issued to claimants. All refugee claimants are inadmissible by virtue of the fact that they lack the necessary documentation. They do not have a permanent resident visa when they arrive in Canada and make their claim. Whether they make their claim in an airport, at a port of entry, or elsewhere, all refugee claimants are inadmissible on that basis. Since the act allows for and deals extensively with refugee claims, as a lawyer, I find it hard to qualify someone as illegal when they have initiated a refugee claim. Doing so is not illegal because the act provides for exactly that.

The second arena is the criminal sphere. The so-called illegal crossings at Roxham Road raise two issues.

First, entering the country at a location that is not a port of entry is not against the Immigration and Refugee Protection Act, which states that a claimant can enter Canada anywhere they choose as long as they proceed to a port of entry as quickly as possible.

Second, the Customs Act requires a person to enter only at a customs office, but the act is meant to regulate goods, not people. The Immigration and Refugee Protection Act sets out the regime governing people. Very few people make a refugee claim with the intention of violating the Customs Act, in my view. The Immigration and Refugee Protection Act is really the overriding factor here. As I already said, the problem could easily be fixed by having claimants cross by waterways and lakes and arrive at customs offices. I think that....

● (1200)

The Chair: Thank you, Mr. Edelmann. I'm sorry, but we have to end the meeting there.

We will now take a half-hour for lunch and then come back for the second meeting of the day.

Thank you.

[*English*]

The meeting is adjourned.

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